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FAX COVER SHEET

To: Dr. Janet Epps

Company: US PTO GAU 1635

Fax No: 703-305-7939

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²⁶
10/24/01

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Pages including this:

~~28~~ 32

Ref. No.:

USSN 09/093,972 (EPI-00672)

COMMENTS

Enclosed are the marked-up and clean claims. Please let me know ASAP if they are OK to file them with the response. Thanks.

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(NE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
Serial No.: 09/093,972 : Examiner: J. Epps
Filed: June 9, 1998 : Appl. Ref. No.: EPI-00672

For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

COVER SHEET

Assistant Commissioner for Patents
Washington, D.C. 20231


Sir/Madam:

Enclosed for filing are the following:

1. Supplemental Amendment
2. Claims (marked up)
3. Claims (clean)
4. This cover sheet
5. Fax Cover Sheet

26
October 24, 2001
Date

Respectfully submitted.
EPIGENESIS PHARMACEUTICALS, INC.


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I hereby certify that this correspondence is being faxed at
703-305-7939, to the Assistant Commissioner for Patents,
Arlington, VA 22202, on October 24, 2001, by Rashida Haji.


SIGNATURE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
Serial No.: 09/093,972 : Examiner: Dr. Epps
Filed: June 9, 1998 : Appl. Ref. No.: EPI-00672
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION & TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

SUPPLEMENTAL AMENDMENT

I hereby certify that this correspondence is being faxed at 703-305-7939, to the Assistant Commissioner for Patents, Washington DC 20231 on October 26, 2001, by Rashida Haji.

SIGNATURE

R. Haji

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir/Madam:

Supplemental to the Response to the Office Action of November 7, 2000, filed March 28, 2001, a Notice of Appeal having been filed May 4, 2001, and Supplemental Amendments filed July 12 and 16, 2001, the period for responding having been extended previously to September 7, 2001 by the filing of a Petition and a fee of \$195.- on August 21, 2001, and herewith similarly to November 7, 2001 with a fee of \$525.- (\$720.- - \$195.-), please amend the above identified patent application as follows.

IN THE CLAIMS

Please delete the claims as shown in the attachments.

REMARKS**THE INTERVIEW**

Applicant thanks Dr. Epps for an interview she granted him and his attorney on October 24, 2001. During the interview the applicant explained the criticality of particle size in claim 173, and it was agreed that two separate ranges would be incorporated as described by the application as filed. The present text of claim 173 is patentably distinguishable over the Bennett patent cited earlier by the examiner. The remaining objections to the claim language raised by the examiner have also been addressed by the present amendments. The examiner is requested to consider the claims as they are submitted and allow this application.

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